

ESTTA Tracking number: **ESTTA563521**

Filing date: **10/07/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212202
Party	Defendant Ivan Vargas
Correspondence Address	IVAN VARGAS 9560 QUEENS BLVD #105 REGO PARK, NY 11374  ivan@fuegohd.com
Submission	Answer
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	10/07/2013
Attachments	Answer.pdf(168273 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Serial No. 85/778,731  
For the mark SOUR DIESEL

Diesel S.p.A.,

Opposer,

vs.

Ivan Vargas,

Applicant.

:  
:  
:  
:  
:  
:  
:  
:  
:

Opposition No. 91212202

**ANSWER AND GROUNDS OF DEFENSE**

COMES NOW the Applicant, Ivan Vargas (hereinafter “Applicant”), by and through counsel, The Trademark Company, PLLC, and files his Answer and Grounds of Defense to the Notice of Opposition and in response to Opposer’s allegations states as follows:

**ANSWER**

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first Introductory Paragraph of the Notice of Opposition and therefore denies the same. In response to the specifically enumerated paragraphs of the Notice of Opposition, Applicant responds as follows:

1. Applicant is without knowledge of the allegations set forth in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without knowledge of the allegations set forth in Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant admits the allegations in Paragraph 3 of the Notice of Opposition.

4. Applicant denies the allegations set forth in Paragraph 4 of the Notice of Opposition as phrased and demands strict proof thereof.

5. Applicant is without knowledge of the allegations set forth in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant cannot verify the authenticity of the attached Exhibit A referenced in Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant is without knowledge of the allegations set forth in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant cannot verify the authenticity of the attached Exhibit B referenced in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Applicant is without knowledge of the allegations set forth in Paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant cannot verify the authenticity of the attached Exhibit C referenced in Paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Applicant is without knowledge of the allegations set forth in Paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Applicant cannot verify the authenticity of the attached Exhibit D referenced in Paragraph 12 of the Notice of Opposition and therefore denies the same.

13. Applicant is without knowledge of the allegations set forth in Paragraph 13 of the Notice of Opposition and therefore denies the same.

14. Applicant cannot verify the authenticity of the attached Exhibit E referenced in Paragraph 14 of the Notice of Opposition and therefore denies the same.

15. Applicant is without knowledge of the allegations set forth in Paragraph 15 of the Notice of Opposition and therefore denies the same.

16. Applicant is without knowledge of the allegations set forth in Paragraph 16 of the Notice of Opposition and therefore denies the same.

17. Applicant is without knowledge of the allegations set forth in Paragraph 17 of the Notice of Opposition and therefore denies the same.

18. Applicant is without knowledge of the allegations set forth in Paragraph 18 of the Notice of Opposition and therefore denies the same.

19. Applicant is without knowledge of the allegations set forth in Paragraph 19 of the Notice of Opposition and therefore denies the same.

20. Applicant is without knowledge of the allegations set forth in Paragraph 20 of the Notice of Opposition and therefore denies the same.

21. Applicant denies the allegations set forth in Paragraph 21 of the Notice of Opposition as phrased and demands strict proof thereof.

22. Applicant is without knowledge of the allegations set forth in Paragraph 22 of the Notice of Opposition and therefore denies the same.

23. Applicant is without knowledge of the allegations set forth in Paragraph 23 of the Notice of Opposition and therefore denies the same.

24. Applicant admits the allegations in Paragraph 24 of the Notice of Opposition.

25. Applicant admits the allegations in Paragraph 25 of the Notice of Opposition.

26. Applicant is without knowledge of the allegations set forth in Paragraph 26 of the Notice of Opposition and therefore denies the same.

27. Applicant admits the allegations in Paragraph 27 of the Notice of Opposition.

28. Applicant admits the allegations in Paragraph 28 of the Notice of Opposition.

29. Applicant is without knowledge of the allegations set forth in Paragraph 29 of the Notice of Opposition and therefore denies the same.

30. Applicant denies the allegations set forth in Paragraph 30 of the Notice of Opposition as phrased and demands strict proof thereof.

31. Applicant is without knowledge of the allegations set forth in Paragraph 31 of the Notice of Opposition and therefore denies the same.

32. Applicant is without knowledge of the allegations set forth in Paragraph 32 of the Notice of Opposition and therefore denies the same.

33. Applicant denies the allegations set forth in Paragraph 33 of the Notice of Opposition and demands strict proof thereof.

34. Applicant denies the allegations set forth in Paragraph 34 of the Notice of Opposition and demands strict proof thereof.

35. Applicant denies the allegations set forth in Paragraph 35 of the Notice of Opposition and demands strict proof thereof.

36. Applicant denies the allegations set forth in Paragraph 36 of the Notice of Opposition and demands strict proof thereof.

37. Applicant denies the allegations set forth in Paragraph 37 of the Notice of Opposition and demands strict proof thereof.

38. Applicant denies the allegations set forth in Paragraph 38 of the Notice of Opposition and demands strict proof thereof.

39. Applicant denies the allegations set forth in Paragraph 39 of the Notice of Opposition and demands strict proof thereof.

40. Applicant denies the allegations set forth in Paragraph 40 of the Notice of Opposition and demands strict proof thereof.

41. Applicant denies the allegations set forth in Paragraph 41 of the Notice of Opposition and demands strict proof thereof.

42. Applicant denies the allegations set forth in Paragraph 42 of the Notice of Opposition and demands strict proof thereof.

43. Applicant denies the allegations set forth in Paragraph 43 of the Notice of Opposition and demands strict proof thereof.

Applicant further denies all allegations not specifically, actually or constructively, admitted in the foregoing paragraphs of this Answer and Grounds of Defense.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed.

Respectfully submitted this 7<sup>th</sup> day of October, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Tel. (800) 906-8626

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Applicant

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Serial No. 85/778,731  
For the mark SOUR DIESEL

Diesel S.p.A.,

Opposer,

vs.

Ivan Vargas

Applicant.

:  
:  
:  
:  
:  
:  
:  
:  
:

Opposition No. 91212202

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 7<sup>th</sup> day of October 2013  
to be served, via first class mail, postage prepaid, upon:

Holiday W. Banta  
Ice Miller LLP  
One American Square, Suite 2900  
Indianapolis, IN 46282-0200

/Matthew H. Swyers/  
Matthew H. Swyers